

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.05 P, Closed Area 30-A, Southwestern Vinalhaven, promulgated on March 22, 1991, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.05 P, Closed Area 30-A, Southwestern Vinalhaven.

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of southwestern Vinalhaven and Hurricane Sound inside (north-easterly) of a line extending westerly from the most southern point on Vinalhaven Island (at the mouth of Indian Creek) to the southern end of Heron Neck on Greens Island (about 1 ½ miles), thence westerly about one-half mile to the southern end of Deadman's Ledge, then northwesterly about 1-1/4 miles to the southern end of Little Hurricane Island, then northwesterly to the most western of the White Islands, then northeasterly to the northern most tip of Spectacle Island; then continuing northeast to the northern most point on Lawrys Island, then continuing southeast to the southern end of Pole Island; then running northeast to the most western point on Barton Island; then running northwest from the most northern of the western points on Barton Island to the western most portion of the unnamed point at the northern mouth of The Basin.

- A. EXCEPTION: Clams, mussels, oysters and quahogs may be harvested in that portion of The Basin: (1.) South of a line between two red posts located (east - west) opposite of each other at the most narrow point of the northern most cove in The Basin; AND (2.) East of a line running northwest from the most northeastern prominence of Barton Island to the most southern tip of the unnamed point at the northern mouth of The Basin; AND (3.) North and easterly of a line formed by the bridge to Barton Island at the southern mouth of The Basin; AND (4.) North of a line between two red posts located (east - west) opposite of each other at the narrow point of the southern most cove in The Basin.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: May 11, 1998

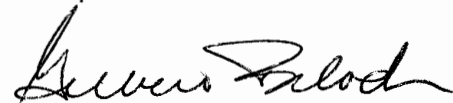
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COURIER GAZETTE
May 14, 1998

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.05 P, Closed Area 30-A, Carvers Harbor, Vinalhaven, and replaces it with a new regulation. This new regulation reduces the size of closed area 30-A by opening portions of The Basin and the surrounding islands to shellfish harvesting.

Department of Marine Resources personnel have surveyed the area and analysis of samples revealed that there is no longer a threat to public health from harvesting shellfish in this new open approved area. The remaining closed area is subject to microbiological pollution. Consequently, harvest of shellfish in the closed area is prohibited to protect the public health.


GILBERT M. BILODEAU, ADMINISTRATIVE OFFICER
FOR LEWIS N. FLAGG, COMMISSIONER (ACTING)
AS AUTHORIZED BY 12 MRSA SECTION 6023



Department of Marine Resources

Legal Notice of Shellfish Closure Area 30-A Southwestern Vinalhaven

